

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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SHERRY PEESO,

Plaintiff,

11-CV-6306L

-against-

CITY OF HORNELL, NEW YORK;  
CITY OF HORNELL BOARD OF PUBLIC SAFETY;  
SHAWN D. HOGAN in his individual capacity,  
and in his capacity as the Mayor of the City of Hornell,  
and President of the Board of Public Safety of the City  
of Hornell,

**ORDER GRANTING  
EXTENSION OF  
TEMPORARY  
RESTRANDING ORDER**

Defendants.

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Pursuant to Rule 65(b) of the Federal Rules of Civil Procedure, plaintiff Sherry Peeso having established that she faces irreparable harm and homelessness if she and her family are evicted on July 6, 2011, when the temporary restraining order, dated June 20, 2011, expires, and plaintiff having established by her complaint filed on June 17, 2011 and memorandum of law in support of her application for a temporary restraining order, filed on June 20, 2011, that she is likely to succeed on the merits of this action, and there being no filed opposition or any response whatsoever from defendants, it is hereby:

**ORDERED** that good cause is found to extend the temporary restraining order issued on June 20, 2011, and Defendants City of Hornell and Board of Public Safety, their agents, employees, successors, and all other persons in active concert or participation, including the Hornell Police Department and the City of Hornell Code Enforcement Office, are hereby continued to be restrained from enforcing the order of the Defendant City of Hornell Board of

Public Safety that required Plaintiff Sherry Peeso, pursuant to Hornell City Code §201, to vacate her home by 5:00 p.m. on June 21, 2011 or any subsequent orders, issued by defendants to plaintiff to vacate her home pursuant to such ordinance.

This Order shall remain in effect until: July 18, 2011, or until such other time as the parties may agree, or until a further order of the Court.

Argument on the application for injunctive relief is scheduled for July 18, 2011 at 2 p.m. Responding papers must be filed on or before July 13, 2011.

Service of this order by counsel for plaintiff on the attorney for the City of Hornell on or before 12 noon, July 5, 2011 shall be deemed good and sufficient service of this order.

IT IS SO ORDERED.

Dated:

July 1, 2011



DAVID G. LARIMER  
United States District Judge